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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 RAFAEL RIVERA,

11 Petitioner,

12 v.

13 JEFFREY A UTTECHT,

14 Respondent.

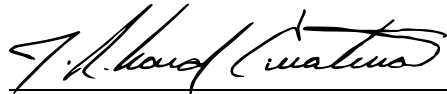
CASE NO. C11-5693-RJB-JRC

ORDER DENYING APPOINTMENT  
OF COUNSEL

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16 Petitioner has filed a motion for appointment of counsel (ECF No. 18). There is no right  
17 to have counsel appointed in cases brought under 28 U.S.C. § 2254 unless an evidentiary hearing  
18 is required, because the action is civil, not criminal, in nature. Brown v. Vasquez, 952 F.2d 1164,  
19 1168 (9th Cir. 1991) (*citing* McCleskey v. Zant, 499 U.S. 467, 495 (1991)); *see* Ortiz v. Stewart,  
20 149 F.3d 923, 939 (9th Cir. 1998) (“There is simply no constitutional right to an attorney in a  
21 state post-conviction proceeding.”); *see also* Terrovona v. Kincheloe, 852 F.2d 424, 429 (9th Cir.  
22 1988); and Rule 8(c) of the Rules Governing Section 2254 Cases in the United States District  
23 Courts.” The Court has not ordered an evidentiary hearing in this case and has recommended the  
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1 petition be denied. In light of that Report and Recommendation, petitioner's motion for  
2 appointment of counsel, (ECF No. 18), is DENIED.

3 Dated this 4th day of April, 2012.

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5 J. Richard Creatura  
6 United States Magistrate Judge  
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